

QCPA701D1

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REMARKS

Claims 2-10 are pending in the application.

Claims 2-10 stand rejected under 35 USC 102(e) as being anticipated by Light (USPN 6,061,337. Applicant respectfully traverses this rejection.

In rejecting claim 2-10, the Examiner asserts that the cited reference teaches at column 5, line 53, through column 6, line 39, "a selector bank subsystem ECP configured to initiate tracking of the position location of a mobile unit upon receipt of an identification of a pilot signal corresponding to a predetermined cell covering a handoff region of the plurality of handoff regions." Upon careful reading of the disclosure at the cited passage, the disclosure teaches a mobile unit that measures pilot strengths, determines offsets of the start times of the pilot strengths, and returns the time offsets to a cell site. Further, a central location analyzes the time offsets, determines an approximate distance and location, and determines whether a handoff is necessary. The mobile unit, cell sites, or central location determines the closest cell site. In contrast, the combination defined by the claim includes, among other things, a selector subsystem configured to "*initiate tracking of the position location of a mobile unit upon receipt of an identification of a pilot signal,*" "*determine when the mobile unit enters the handoff region,*" and "*initiate handoff when the mobile unit enters the handoff region,*" which is not the same as that taught by the disclosure. Thus, the claim is patentably distinguishable over the cited reference.

Accordingly, the rejection of the claims under 35 USC 102(e) should be withdrawn in the next Office action. If this rejection is maintained in the next Office action, Applicant respectfully requests a pinpoint cite to the column and line number of the reference for the teaching.

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Claims 2-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,321,090. Applicant defers submitting a Terminal Disclaimer to obviate the double patenting rejection until claims are found allowable.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: March 9, 2004By: 

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